

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL MCCARTHY, et. al.

Plaintiffs,

-against-

CHARLES D. BAKER, et. al.,

Defendants.

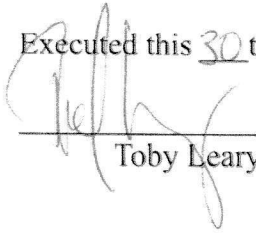
)
) CIVIL ACTION NO.
) 1:20-cv-10701-DPW
)
)
) **DECLARATION OF TOBY**
) **LEARY IN SUPPORT OF**
) **PLAINTIFF'S REPLY**
)
)
)

I, Toby Leary, hereby declare and state the following:

1. I am the owner of Downrange Inc. d/b/a Cape Gun Works, a state and federally licensed firearms dealer located at 96 Airport Road in Hyannis, Barnstable County, Massachusetts. My shop has approximately 5,000 sq. ft. of retail space.
2. Approximately 3 years ago I was contacted by a representative of the Mashpee Wampanoag Police Department ("MWPD"). MWPD was seeking new patrol rifles, new shotguns for its cruisers and new duty weapons for its officers. MWPD has purchased these weapons on 3 separate occasions from my company.
3. Approximately 3 years ago I was contacted by a representative of the Nantucket Police Department ("NPD"). NPD was seeking new duty weapons for its officers. NPD ultimately purchased its duty weapons from another company.
4. In January of 2020 I was contacted by a representative of the Dennis Police Department ("DPD"). DPD was seeking new duty weapons for its officers. DPD ultimately purchased its duty weapons from another company.
5. Approximately 2 years ago I was contacted by a representative of the Barnstable Police Department's Detective Unit ("Detective Unit"). The Detective Unit was seeking new AR-15 type weapons for its officers. To my knowledge, the Detective Unit has not yet purchased new AR-15 type weapons from any company.
6. I currently have an ongoing contract with the Falmouth Police Department to provide gun smithing and sight adjustment services on the Department's duty weapons.
7. Several police departments and the U.S. Coast Guard utilize my indoor range for training purposes. They have been unable to do so since I closed my business pursuant to the Governor's COVID-19 Order.

I declare under the penalty of perjury that the foregoing is true and correct.

Executed this 30th day of April, 2020.



Toby Leary